

Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, October 7, 2000.

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader.

Mr. LOTT. Mr. President, we do have some additional consent requests we have been working on. I have a couple here and Senator McCain has agreed to allow us to do these. Then he has a couple of unanimous consents he wants to ask. The first has to do with the Defense Department authorization bill for the next fiscal year.

UNANIMOUS CONSENT
AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the DOD authorization conference report following the reconsideration vote on H.R. 4516 on Thursday, and the conference report be considered as having been read and debated under the following time agreement: 2 hours under the control of the chairman of the Armed Services Committee, 1 hour under the control of Senator GRAMM, 2½ hours under the control of Senator LEVIN, 30 minutes under the control of Senator WELLSTONE; That following the debate just outlined, Senator KERREY be recognized to make a point of order and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form.

I further ask consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

Mr. REID. Reserving the right to object, I say to the majority leader we have no problem going to the bill. We have a problem with the time right now. There is one Senator over here trying to work something out with both majority and minority staff. We feel confident that can be done. But I think it would be to everyone's best interest if we stop the unanimous consent agreement after the word "read" on the first paragraph.

Mr. LOTT. Mr. President, I am sure there is a good faith effort being made here. So I will revise my unanimous consent request.

But let me emphasize to all the Members that this is a very important bill. Some people think: We have passed the Defense appropriations bill, the military construction appropriations bill; what do we need an authorization bill for? This is the bill that makes the law that authorizes things for our military men and women, including an increase in pay, including the very important, laboriously worked out provisions with regard to health benefits for our active duty men and women and their families and our retirees. It also has the Department of Energy language in which

the Presiding Officer has had so much interest. This is really a big bill and an important bill. So I hope we can get agreement. I believe we will.

Also, I emphasize that by spending 6 hours on this bill, you know that is time we could be spending on the Agriculture appropriations conference report or other conference reports that may be ready by tomorrow afternoon. So I hope we can get this locked up soon.

But, in view of the legitimate request that was made by the Senator, I modify my unanimous consent request and end it after the words "considered as having been read" in the first paragraph.

Mr. REID. Mr. President, reserving the right to object, I say to the majority leader, I think the work done by Senator WARNER and Senator LEVIN on this bill has been exemplary. They worked well together. This is a very important bill. We on this side, the minority, understand the importance of this legislation. As we speak, we are working with one of our Members to get this worked out.

Maybe before the evening is over we can get back and put in the time agreement. We just are not able to do that right now. But we want to make sure we underscore what the leader has said. This is an important bill. I really hope we can complete it before the end of the session.

Mr. WARNER. Mr. President, I, first, thank the distinguished leader and distinguished Democratic whip, all of us who made this possible. We are within 1 millimeter of resolving this problem. It has just been addressed to me. This is the first time I heard it. I know the Senator very well and we are going to see what we can do to work this thing out. So I think the Senate can assume that what the leadership has presented here, this unanimous consent request, can be accepted in the course of the day.

Mr. LOTT. OK.

Mr. WARNER. This will be the 39th consecutive authorization bill for the Armed Forces of the United States by the Senate. And it is an absolute must piece of legislation, as our distinguished leader and the distinguished Democratic whip said.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—
H.R. 4461

Mr. LOTT. Mr. President, I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations conference report, and it be considered under the following agreement, with the time equally divided in the usual form.

I ask consent that debate continue beginning at 9:30 a.m. on Tuesday and proceed through the day.

I ask consent the vote occur on adoption of the Agriculture conference re-

port at 9:30 a.m. on Wednesday and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have no objection if we would move to this by a vote. We would agree to a voice vote. We do not believe we can do this by consent.

Mr. LOTT. Mr. President, if I could ask the Senator to yield and make sure I understand what he is saying, did you say we could do this by voice vote?

Mr. REID. We would be willing for you to move to proceed and we would voice vote that.

Mr. MCCAIN. I object.

Mr. LOTT. Mr. President, again, we will keep working to try to get agreements accepted. I do not quite understand why the Agriculture appropriations bill cannot be debated tonight, now, and voted on tomorrow. And I do not understand why we cannot get an agreement to have debate on it on Friday and Tuesday, and a vote on Wednesday. I know there are Senators who want to talk on it. That is their right in the Senate. But if we are ever going to get this process completed, we need to get the Agriculture appropriations conference report done.

I am still holding out some hope that maybe the Commerce-State-Justice conference report and even the Labor-HHS conference report could be agreed to and could be dealt with tomorrow in such a way we could have a vote on them on Thursday or Friday. But we do not have that yet.

Is there objection?

Mr. REID. Mr. Leader, if I could just say before you withdraw the consent request, we would be willing, tonight, to have you move to proceed to this measure.

As I said, we would be agreeable to move to proceed to this bill by a voice vote and start the debate tonight. We are not in any way trying to delay the consideration of this very important bill.

Mr. LOTT. I think the Senator knows there is a great difference between moving to proceed and asking unanimous consent. For now, obviously, we cannot get the unanimous consent agreement, so we will not be able to proceed.

In light of the discussions we have just had, and since we cannot get an agreement on taking up Agriculture now, the next votes will occur at 12:30 p.m. tomorrow regarding HUD-VA and related issues, and additional votes will occur late tomorrow afternoon regarding the DOD authorization conference report if we can get this time agreement worked out, and I assume we will be able to. With that, I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, in just a few minutes I will propound a unanimous consent request concerning the

Transportation Recall Enhancement, Accountability, and Documentation Act. First, I ask unanimous consent that a letter I just received from the Secretary of Transportation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 11, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science,
and Transportation, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

The early warning section in H.R. 5164 enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A "Safe Harbor" provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

The focus now turns to the Senate, where you have been working diligently on passage of similar legislation, S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. Both of the bills contain several key provisions proposed by the Clinton-Gore Administration. We are committed to ensuring that NHTSA has the authority to seek and receive information on potential defects; receives sufficient funding to carry out its expanded responsibilities; and has the authority to impose stiffer penalties to ensure compliance with U.S. motor vehicle safety laws.

Also, Senate confirmation of the President's nominee for Administrator of NHTSA would help implementation of this legislation immeasurably.

In the final days of the 106th Congress, we must not lose the opportunity to save lives

and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Sincerely,

RODNEY E. SLATER.

Mr. MCCAIN. Mr. President, I will quote parts of the letter from Secretary Slater:

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

I will not read the whole letter, except the last paragraph:

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Save lives and prevent injuries.

I ask unanimous consent to print in the RECORD a letter that was sent from Ms. Claybrook, president of Public Citizen, and others to the House of Representatives on October 9.

That letter says:

DEAR REPRESENTATIVE: We are writing to urge the passage of H.R. 5164, despite its serious deficiencies.

It ends up in the last part of the letter:

We urge you to vote to send this bill forward, to encourage the House managers to work with the Senate managers to improve the legislation, and to make sure the authority of NHTSA to protect the public safety is not degraded.

Even though there may be objections from Ms. Claybrook and some of her colleagues, the fact is she wrote to the House urging a vote for this legislation at this time. I think it should be an important part of the RECORD.

Finally, I do not view this as a panacea. The Presiding Officer has significant concerns. We had entered into a colloquy concerning his concerns. Those concerns are legitimate. I assure the Senator from Ohio that the Senator from South Carolina and I will continue to work on this issue next year. I will tell the Senator from Ohio why: Because there is going to be more people dying before this issue is resolved. Just this last weekend in Louisiana, a young boy, who was in a roll-over accident from a tire that shredded, went into a coma.

I am pleased and gratified that the Senator from South Carolina, who has some differing views, as I do, on this bill, wants to see it perfected, as does the Senator from Ohio. But I also agree with the Secretary of Transportation who says that this is an enormously important step forward to take.

I take this opportunity to thank Senator HOLLINGS for his efforts and the way we worked in a bipartisan fashion to report a bill by a vote of 20-0 out of the Commerce Committee.

I will propound two unanimous consent requests, if the first one is objected to. If the first one is objected to, then I will try another unanimous consent request.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. MCCAIN. I will be glad to yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman of the committee has led the way on this tire safety measure on the Senate side. I just had an opportunity to look at the House provision. There is no question that there are two or three things in there that should be cleared up. One, it has certain reporting requirements, but then the National Highway Traffic Safety Administration is supposed to keep them top secret. I want that explained to me. We do not operate like the CIA. There is no reason to keep it from public knowledge. In fact, that is exactly why we have this entity—to collect reported defects that come to the attention of the consumers in America.

Secondly, there is another provision with respect to criminal penalties. I have tire manufacturers in my State, and I wanted to be absolutely clear that we did not unduly threaten fine, good businessmen who are working to produce a safe product. Or make it so that they would be faced with some kind of criminal charge by way of a mistake that did not come to their knowledge. That was not the intent of the Senator from Arizona and the Senator from South Carolina as we worked through this.

Obviously, that was taken out of the Senate bill. Otherwise we would never have had a unanimous vote in reporting this bill 20-0. But there is a provision in that House bill whereby if there has been a willful and malicious reporting to this agency—such as we saw in the tobacco case where they all raised their hands and you knew they were lying at the time—then there should be a criminal penalty. That ought to be cleared up in the House bill.

We are only asking that the Senate bill be considered so we can amend the House bill and work this measure out under the leadership of Senator MCCAIN.

The other provision with respect to the reporting of claims—after all that is the only way we found out about these recent deaths that now approximate 100 killed on the highways. As

they brought these claims down to a conclusion, the judge put them under what we call a gag order where they were not allowed to consider or consult or even talk about the final settlement. It was more or less kept top secret from the press and media, and nobody knew it was going on.

Of course, NHTSA has been practically dormant. They have not operated the tire safety requirements since the year 1973, and this reflects on us in the committee. They have not had or ordered a single recall on tires in the last 5 years.

There have been 99 million overall safety vehicle recalls, but they have all been voluntary on account of the threats of lawsuits. We know that. It was only because of the word getting out about these lawsuits that we finally have gotten to pay attention to this, bringing out a bill, unanimously reported under the leadership of the distinguished chairman of the Commerce Committee, which is totally bipartisan.

I join in the Senator's request, which I am confident he will make, that we be able to bring the Senate bill up, amend the House bill, work this out in the next few days—it could be worked out by tomorrow—and have a good measure that would save lives in America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from South Carolina. I understand his concerns.

Let me quote from a letter from the Secretary of Transportation:

The early warning section of H.R. 5164, enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A "Safe Harbor" provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

I point out again, this is not a perfect bill. I want exactly what came out of the Senate. The House passed, unanimously, by a voice vote, H.R. 5164.

The Secretary of Transportation says: "We strongly support enactment." He finishes up by saying—and I hope my colleagues understand this—

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries.

This is not a perfect piece of legislation but an awesome responsibility, at

least in the view of the Secretary of Transportation. An opportunity to save lives and prevent injuries is occurring here. I do not think we can let that pass by.

If there is objection, I will, again, ask that the Senator who objects appear on the floor to object. We are not talking about a policy decision here; we are talking about the fact that over 100 lives have been taken on America's highways over a defect that, in the view of every expert, we are making significant progress in addressing.

So, Mr. President, I will begin with my first unanimous consent request, and I will follow it with a second unanimous consent request if it is objected to.

Mr. President, I ask unanimous consent that when the Senate receives H.R. 5164 from the House, it be held at the desk. I ask further that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of the bill, and that only relevant amendments be in order to the bill, and that the bill then, as amended, if amended, be advanced to third reading and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Arizona, I do not have a copy of the request, but it is my understanding, from hearing what the Senator read, it is a bill to come before the Senate with relevant amendments.

Mr. MCCAIN. Yes, that is correct.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, would the Senator read that unanimous consent request again, please?

Mr. MCCAIN. I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

Mr. REID. Reserving the right to object, I say to my friend from Arizona, this has been signed off on by the ranking member of the committee and signed off on by the leadership over here. But we still have two Senators who want to offer relevant amendments. We will work on that and see what we can do. But at this stage, because of that, I am going to have to object unless the agreement allows for

relevant amendments. We would agree to time limits. We would agree to a very short time limit on the relevant amendments, but we do have two Senators who wish to offer relevant amendments.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as I said on Friday, this is not an ordinary piece of legislation. It is a piece of legislation that, in the view of the Secretary of Transportation, has to do with saving lives and preventing injuries. Over 100 Americans have died on the highways of America already.

After the completion of Senator ROBERTS' remarks, I will insist that the two Senators come down and object in person. This is too serious a business, I tell the Senator from Nevada, for them to assume a cloak of anonymity. If they want amendments, then I will be more than happy to hear their objections and see what their amendments are. But this is not acceptable. It is not acceptable, when lives are at stake, for Senators—at least the Senator from Oklahoma objects and comes down and takes the responsibility for the objection. It is not acceptable for Members on the other side of the aisle to hide behind the Senator from Nevada in their objections.

Mr. NICKLES. Will the Senator yield for a question?

Mr. MCCAIN. I am glad to yield to the Senator from Oklahoma for a question.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I am asking the Senator from Arizona a question.

The unanimous consent request that you are now making is to take up and pass the bill that passed last night, without objection. It passed by a voice vote late last night, unanimously, through the House of Representatives, and is the bill that the Secretary of Transportation, Mr. Slater, urged that the Senate and the Congress pass?

Mr. MCCAIN. I might add, it has to do with saving lives and preventing injuries.

Mr. NICKLES. I compliment my friend from Arizona because, one, you are showing flexibility. I compliment you because you have stated what your preference is. You have your preference in the bill that passed out of the Commerce Committee, of which you are the Chair and Senator HOLLINGS is the ranking member. But you are also saying, if I cannot get that, realizing that we are on overtime right now and we are running out of days, you are willing to say, let's take the House-passed bill. The House-passed bill passed unanimously. That does not happen all that often around here for legislation that is this significant.

The Senator from Arizona is saying he is willing to take it and pass it. It is the same bill that the administration says they want. And it will become law if we can get this consent agreed to.

So I compliment my colleague from Arizona. I hope our colleagues would possibly even reconsider and let us pass this bill tonight or tomorrow.

Mr. REID. Mr. President, under my reservation, I remind the Senator from Arizona and the Senator from Oklahoma that on Friday of last week we agreed on this side to have the Senate bill brought before the Senate at that time, pursuant to the unanimous consent request of the Senator from Arizona, to have relevant amendments. We have no objection to that coming before the Senate and working on it that way.

This matter which has just passed the House, we just got it a matter of minutes ago—not hours ago; minutes ago—and we have two Senators who want to look at this legislation. They have some idea that they want to offer relevant amendments. We know that, come the light of day, they may not want to offer those relevant amendments, but now they do.

So I say to my friend from Arizona that he can come back after Senator ROBERTS speaks, but the same objection will be there unless we hear in the interim that the Senators, for some unknown reason, withdraw their objections.

On that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona retains the floor.

Mr. McCAIN. Let me just say that I will be here on the floor. If the two Senators who object from the other side of the aisle would like to come down, I would be glad to discuss their concerns. I would be glad to commit to holding hearings, along with Senator HOLLINGS, next year to try to perfect this bill.

I know my friend from South Carolina has serious concerns about the safe harbor aspect of this bill. I intend to work with him to tighten it up. I much would have preferred the bill pass through the Senate, let me tell you.

We inaugurated a little phrase called "straight talk" back when I was seeking another office. I will tell you, in straight talk, what this is all about. This is the trial lawyers against the automotive interests. Trial lawyers do not want it because they do not like the provisions. They want to be able to sue anybody for anything under any circumstances. And the automotive industry wants this thing killed, figuring that the publicity surrounding these accidents and these tragedies that are taking place will die out and they will be able to kill off this legislation next year.

Straight talk, Mr. President, that is really what it is all about. It is another compelling argument for campaign finance reform because neither the trial lawyers who want to make this bill untenable for the manufacturers, nor the manufacturers who want to water down

this bill so dramatically that it will have no effect, should be the ones who are driving this problem.

This legislation is all about saving lives and preventing injuries. So what we are seeing here is that special interests are winning again. I think it is wrong. I don't know how you go back to the American people and say we didn't enact legislation—we could not get together after a unanimous vote in the House—to resolve some concerns over an issue that "would save lives and prevent injuries."

Mr. REID. If the Senator will yield, I say to my friend, he and I came to Washington at the same time 18 years ago. I know he has more patience than I, but we have to have a little bit of patience. In this instance, I don't think it is going to require a great deal of patience. We are going to be in session tomorrow, and I think there is a very good possibility, as I see it, that the persuasive arguments Senators have made today and last week will prevail and this legislation will pass.

As things now stand, we have people who haven't been able to read the bill. They may have some problems with it. The ranking member, the Senator from South Carolina, and some of our people over here—and, of course, the Senator from South Carolina works well with the Senator from Arizona, and we will see what we can do to get this wrapped up.

Mr. McCAIN. Mr. President, in closing, I appreciate the efforts on the part of the Senator from Nevada. As he said, he and I came to Congress together many years ago, and we are good friends. I want to also, again, pay great praise to Senator HOLLINGS, who has really had to go a long way in compromising in order to see that this legislation is passed. I will be seeking unanimous consent tomorrow morning. I am not exactly sure when, but it will be sometime in the morning when it fits in with the parliamentary procedures. I hope the unanimous consent request can be agreed to. I thank my friend from South Carolina and the Senator from Nevada. I know we will be working assiduously to try to get these objections solved.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I don't want the Senator to take back his praise, but let me clear the record relative to trial lawyers. Trial lawyers got us where we are. If it hadn't been for trial lawyers bringing the cases and filing some of the reports made on the recoveries thereof, we would not have awakened, literally, and awakened our own Commerce Committee to have the hearings to put us on the floor this evening.

I am intimate with the trial lawyer movement in this country. I can tell you that they have become a whipping boy for Tom Donahue and his blooming Chamber of Commerce, and any time you want to pass some measure like

the Y2K bill, the trial lawyers had no objection whatsoever.

I have to correct the record because the chairman said that is the contest that is going on, about the right to sue and everything else. They have the right. The right is there and neither the Senate bill nor the House bill denies that right. We strengthen it with the reporting and then make the reports public so they can be attained, and they can avoid going to court on cases and avoid trial lawyers. So this particular bill is agreed to by this particular trial lawyer—either the Senate or the House version this evening, right now. I would vote for either one of them. But I think we can get a much better bill with the Senate bill. I wanted to correct the comments made about the trial lawyers because they have been there bringing peace and justice and safety to America's consumers. They got us this far, and I am proud to commend the trial lawyers for doing their work and saving lives.

I yield the floor.

Mr. McCAIN. Mr. President, I have one comment in response to my friend. I knew any comment about trial lawyers would not go unnoticed by him. As always, I am very appreciative of his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I want to join the Democratic whip in propounding the identical unanimous consent request with regard to the bringing up of the DOD conference report as stated to the Senate by the distinguished majority leader just moments ago.

Mr. REID. Mr. President, we have no objection. The staffs of Senator LEVIN and Senator WARNER have worked out the problem.

Just a minute, Mr. President.

Reserving the right to object, Mr. President, we are not going to be able to do the agreement. There is a procedural problem with the Agriculture authorization, which goes first. We will work on that later.

Mr. WARNER. Mr. President, I handed the Senator a colloquy which Senator LEVIN signed. The Senator raising the objection signed the colloquy.

Mr. REID. Why don't we have the Senator from Kansas speak, and we will see if anything can be done.

Mr. WARNER. I withdraw the request.

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.